

Remarks

Claims 16 through 19, 21 through 24, and 26 through 30 stand rejected under 35 USC 102(a) as being anticipated by EP '940. Claims 20 and 25 stand rejected under 35 USC 103(a) as being unpatentable over '940.

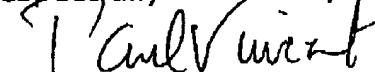
The Applicant respectfully disagrees with the rejection of claim 16 for the following reasons. Although the Applicant agrees that the USPTO is entitled to give claim language its broadest reasonable interpretation, that interpretation cannot contradict clear definitions of the claim language given in the specification. In particular, the recitation of "particulate super-absorbing polymer material" in former claim 16 refers to the structure disclosed in figure 4 of the instant invention. This figure, in conjunction with the associated text, clearly indicates that particles of super absorbing polymer are being claimed, those particles having a super absorbing material core and a coating on the outer surface of the core. In articulating the 35 USC anticipation rejection, the USPTO has recited portions of the '940 reference in which the super absorbing core recitation corresponds to the central material of the diaper in total, and not to the core of a particle. The Examiner has also interpreted the "coating" as top sheet of the diaper of prior art. This interpretation of the claim language is in clear contradiction to the terminology as defined in the instant specification and is therefore improper.

Nevertheless, in order to expedite prosecution of this case, the Applicant has amended claim 16 to recite super absorbing polymer particles having a core and a coating. In addition thereto, the coating has been more

closely defined and limited by taking a cellulose recitation for the coating as disclosed on page 15, third paragraph of the specification. None of the prior art of which the Applicant is aware discloses this particular cellulose structure for the coating in combination with the super absorbing core as claimed. The Applicant therefore believes these limitations to be sufficiently distinguished from prior art to satisfy the requirements of 35 USC 102 as well as 35 USC 103. The USPTO is therefore respectfully requested to reconsider its position in the light of these amendments and to pass this application on to issuance of a United States patent.

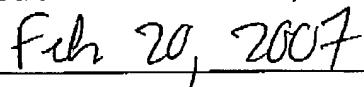
No new matter has been added in this amendment.

Respectfully submitted,



Dr. Paul Vincent

Registration number 37,461



Date

Dreiss, Fuhlendorf, Steimle & Becker
Patentanwälte
Postfach 10 37 62
D-70032 Stuttgart, Germany
Telephone +49-711-24 89 38-0
Fax +49-711-24 89 38-99